

Provisions in the
Utah Constitution
Regarding Bail

ARTICLE I -- DECLARATION OF RIGHTS

Article I, Section 8. [Offenses bailable.]

- (1) All persons charged with a crime shall be bailable except:
 - (a) persons charged with a capital offense when there is substantial evidence to support the charge; or
 - (b) persons charged with a felony while on probation or parole, or while free on bail awaiting trial on a previous felony charge, when there is substantial evidence to support the new felony charge; or
 - (c) persons charged with any other crime, designated by statute as one for which bail may be denied, if there is substantial evidence to support the charge and the court finds by clear and convincing evidence that the person would constitute a substantial danger to any other person or to the community or is likely to flee the jurisdiction of the court if released on bail.
- (2) Persons convicted of a crime are bailable pending appeal only as prescribed by law.

Article I, Section 9. [Excessive bail and fines -- Cruel punishments.]

Excessive bail shall not be required; excessive fines shall not be imposed; nor shall cruel and unusual punishments be inflicted. Persons arrested or imprisoned shall not be treated with unnecessary rigor.